

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

DAVID LEON NICKELL,	)	
	)	Case No. 3:18-cv-88
<i>Plaintiff,</i>	)	
	)	Judge Travis R. McDonough
v.	)	
	)	Magistrate Judge Debra C. Poplin
THE METROPOLITAN and CHRISTINA	)	
OSBORNE,	)	
	)	
<i>Defendants.</i>	)	

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**ORDER**

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On March 7, 2018, Plaintiff filed this *pro se* action as well as an application to proceed *in forma pauperis* (Docs. 1, 2). On May 7, 2018, United States Magistrate Judge Debra C. Poplin issued a report and recommendation, recommending the Court dismiss the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim because Plaintiff does not allege sufficient facts in his complaint to make out a legally cognizable claim against Defendants. (Doc. 3.) Plaintiff failed to timely object to the report and recommendation.

After reviewing the record and the applicable law, the Court agrees with the magistrate judge's findings of fact, conclusions of law, and recommendation. Therefore, the Court **ACCEPTS** and **ADOPTS** the report and recommendation (Doc. 3) pursuant to 28 U.S.C. § 636(b)(1), and **ORDERS** that the action be **DISMISSED WITH PREJUDICE**.

**AN APPROPRIATE JUDGMENT WILL ENTER.**

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**